

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – MAY 4, 2010

The regular meeting of the Newton City Council was held on Tuesday, May 4, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, and Robert C. Abernethy, Jr. Mayor Pro Tem Anne Stedman was absent from the meeting.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Beunice R. “Bootsie” Roberts, members of the Management Team, City Department Heads, Planner Ben McCrary, DNDA Chairperson Jeremy Petty, and Catawba County Chamber of Commerce Executive Director Danny Hearn.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Mullinax called the meeting to order and welcomed everyone to the first meeting in May.

ITEM 2. OPENING – COUNCIL MEMBER TOM ROWE:

Council Member Tom Rowe gave the invocation and led the audience in the Pledge of Allegiance.

Mayor Mullinax paused to recognize City Clerk Beunice “Bootsie” Roberts, Certified City Clerk for the City of Newton in observance of “Municipal Clerk’s Week” in the City of Newton and throughout the United States. He read a proclamation honoring her and all the Municipal Clerks for the work they do; thanked her for the service she provides for the City, the citizens, and employees; and presented Mrs. Roberts with flowers from the Council and City Manager.

Mrs. Roberts thanked the Council and City Manager for their thoughtfulness and recognition of her work for the City, citizens, and her team spirit with the City employees.

ITEM 3. APPROVAL OF MINUTES FROM THE APRIL 20, 2010 REGULAR COUNCIL MEETING AND THE FEBRUARY 19, 2010 COUNCIL PLANNING WORK SHOP MINUTES – DAY 2:

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve the minutes of the April 20, 2010 regular Council meeting and the February 19, 2010 Council Planning Work Shop Minutes – Day 2 as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

None.

ITEM 5. COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on a non-agenda item, and no one appeared to speak.

ITEM 6. OLD BUSINESS:

None.

ITEM 7. NEW BUSINESS:

A. Presentation by Danny Hearn, Catawba County Chamber of Commerce Executive Director

Mayor Mullinax welcomed and introduced Danny Hearn, Catawba County Chamber of Commerce Executive Director, to the Council.

Mr. Hearn paused from his report to congratulate City Clerk Roberts in recognition of Municipal Clerk's Week and congratulated her on behalf of the Chamber of Commerce Staff as well.

Mr. Hearn said that he had exciting information about selling Catawba County to the world. Mr. Hearn distributed information on the Chamber of Commerce's Branding/Marketing/Portal Web Site Campaign to the Council and requested the City's support and participation in an opportunity to sell, independently, the City's identity through the Chamber of Commerce's Branding/Marketing/Portal Web Site Campaign. He said that the City's participation could attract new businesses. He reviewed a chart, which showed how the City's involvement could help develop a portal web site to sell Catawba County in a collaborative effort with local government, business, and education. He said that the mission of the project is to unify and lead in developing Catawba County, not the region, as a destination for living, working and playing. Mr. Hearn said that the Branding /Marketing/ Portal Web Site Campaign venture would not be blanketed under the City of Hickory's branding "Greater Hickory Metro," that it would involve the City of Hickory, but the City of Newton would have its own identity component.

Mr. Hearn said that Houston Harris, a local branding and marketing professional, and his Staff would develop the portal web site. He said that Mr. Harris is passionate about the project and Catawba County, and would develop and professionally monitor the web site to make sure that the City of Newton is co-existing and linking up with the EDC, tourism, higher education, visitor's center, and business industry - that every city in the county touches each other. He described the opportunity of the portal web site for the City of Newton as being a "one-stop" web site, where people could view the web site and obtain all types of information on education, jobs, tax rate, etc. in the City of Newton and not use another site, everything needed is on Newton's portal web site.

Mr. Hearn said that the Chamber Staff has been working on the portal web site for one year and have had several meetings with the City Managers, the medical field, and private businesses in the area trying to develop a "seed bank" to fund the project. He said that the desire is to have a private-public partnership for building and managing the project and to ensure the goals and objectives are met. Mr. Hearn said that if Newton decides to participate, the requested fee is \$1,500, which the Council could choose to split the costs

between the current and upcoming fiscal year budgets (\$750 per fiscal year). He said that the \$1,500 would be a one-time contribution.

Mr. Hearn said that the portal web site would not have advertising, that there would be a business listing in a yellow pages type setup where a person could click on a business's web site from the listing to obtain the information. Mr. Hearn said that the City of Newton would have an opportunity to make suggestions on the branding process. He said that the portal web site would be devoted to a visual presence and a link to the City of Newton's web site.

Council Member Robert C. Abernethy, Jr. asked if the City of Hickory would have more visual presence due to their contribution amount being so large and what would happen if the businesses did not contribute to the project.

Mr. Hearn said that the City of Hickory would have no greater presence than any other City because of the large contribution, that the contribution amount is just a proposed amount and may not even be listed, that it could be less. He also said that in reference to the businesses not contributing to the project, that that thought is not even included in the planning, that the businesses would contribute to the project.

Mayor Mullinax raised the question on the design of the front page of the portal web site and how could the Council invest in something not knowing how it is going to look. Mr. Hearn said that the City of Newton would endorse the concept of the portal web site and how the portal web site is going to look is the responsibility of Houston Harris.

Mr. Hearn said that he would honor the opportunity for the Newton City Council to review the portal web site design before it is final. Mr. Hearn said that if the Council is uncomfortable buying into this project before seeing the project design, that they could see a portal web site from another city to give an idea of the concept, such as Knoxville, TN (Innovation Valley), and that he has several sites to provide for viewing. Mr. Hearn said that he would provide this information for the City Manager to share with the Council. He said that the cities should be connected to sell this community/county.

Council Member Mary Bess Lawing asked how many other cities and/or agencies are participating in the project. Mr. Hearn said that several other cities have signed-on to participate such as, Conover, Catawba, Catawba County, Catawba Valley Medical Center, and Higher Education Center, just to name a few.

Council Member Robert C. Abernethy, Jr. asked why the City of Hickory is being requested such a large amount. Mr. Hearn said that the amounts are proposed amounts. He said that the City of Hickory has a Small Business Task Force that has been working with their City and the small businesses in the City. He said that the Council recommended to re-appoint a smaller group to work on three projects, and one of those projects were a marketing/web site campaign. Therefore, this small group will make a proposal to the City of Hickory and put their dollars into this web site project, along with the City. He said that the City of Hickory still might not contribute the amount that is being requested.

Council Member Robert C. Abernethy, Jr. requested to see Knoxville's portal web site. Mr. Hearn said that he would send Knoxville's web site and others to give a visual of what could be done.

Mayor Mullinax informed Mr. Hearn that the Downtown Newton Development Association has presented marketing and promotional plans to the Council and has emphasized the need to work together with the Chamber of Commerce over the past two years. He said that the DNDA received help from the Chamber on the citizen's survey project, and that it would be good for the Chamber and the DNDA to work together on this project as well.

Mayor Mullinax said that the City of Newton wants to collaborate with the other cities and agencies on special projects. He said that the City of Newton is getting ready to embark on new and innovative projects and recommended that Mr. Hearn provide a contact for Mr. Petty to work with the Downtown Newton Development Association on various projects.

Mayor Mullinax thanked Mr. Hearn for his presentation, as well as Mr. Hearn thanked the Council. Mr. Hearn reiterated that he would send City Manager Clark four or five web sites for him to review and pass along to the Council.

B. Presentation of DNDA First Quarter Report – Jeremy Petty, DNDA Chairman

Jeremy Petty, DNDA Chairperson, thanked the Council for the opportunity to give the First Quarter Report of the Downtown Newton Development Association. Mr. Petty gave a brief overview of the DNDA Planning Workshop that was held on Saturday, February 20, 2010 at the Newton Depot. He said that the workshop was successful and facilitated by Teresa Watts, Assistant Director of the North Carolina Main Street Center. He said that Ms. Watts gave the history and purpose of the National and North Carolina Main Street Program, and provided organizational and planning tools and policies for the DNDA.

Mr. Petty said that Mr. Hearn and the Chamber of Commerce working together with the Downtown Newton Development Association could be very beneficial in strengthening the identity of the City of Newton.

Mr. Petty said that the DNDA refined its vision statement and developed a work plan for 2010, which included the following:

- Fund Raising campaigns, operating policy manual
- To promote the DNDA on the internet, 2010-2011 Old Soldiers Reunion Calendar, 2010 Makeover Project, strengthen Newton identity
- Revise and publicize the Façade Grant Program, establish an effort to incorporate public art in the downtown area, investigate funding for a pilot Streetscape Improvement Plan
- Prepare local resource information card for new businesses, investigate a historic designation for downtown

Mr. Petty highlighted the DNDA's accomplishments for the first quarter which include, (1) the City of Newton being recognized during the 2010 North Carolina Main Street

Annual Conference, along with the renovation of the old Smithey's building by Mr. Petty and his nomination as the Main Street Champion for 2009, (2) the completion of a draft Downtown Streetscape Master Plan prepared by the DNDA Design Committee, and (3) the public forum on April 1, 2010, and an upcoming meeting of the Design Committee on May 11, 2010 to consider adopting the final Downtown Streetscape Master Plan Report.

Mayor Mullinax said that the DNDA held a public forum on April 1, 2010. He said that the Council adopted the schedule to move forward with the plan, and there were many comments made about streetlights, etc. after the April 1, 2010 meeting. He said that it is his understanding that the DNDA will be at the next Council meeting to make a presentation on the Downtown Streetscape Master Plan and wanted the citizens to know that the Council would not take action at the next meeting on the Downtown Streetscape Master Plan. He said that the Downtown Streetscape Master Plan item would be for "information and discussion only."

Mayor Mullinax said that Council Member Mary Bess Lawing requested that the DNDA hold another forum; but Mayor Mullinax recommended that the Downtown Newton Development Association be present before the May 18, 2010 Council meeting for a public viewing of the Downtown Streetscape Master Plan, knowing that no action would be taken on the plan during the Council meeting. Mayor Mullinax said that the Downtown Streetscape Master Plan is still a document in working progress.

Mayor Mullinax said that he found several memorabilia items among his father's personal documents that showed evidence that there was community involvement and effort made for the lights around the 1924 Courthouse. He said that the Council knows that the community was divided into neighborhoods and it became an event where the neighborhoods came together to raise money to purchase the lights around the 1924 Courthouse, similar to the community efforts for the Sesquicentennial events. He ended his comments by saying, "When this happens, you take a look at it, then you move on."

Mr. Petty said that the DNDA has met with some concerned citizens about a similar project, had a meeting on the process, and changed some of the wording in the plan. He said that the DNDA will consider the community effort, and encourages feedback from the Council.

Mayor Mullinax asked Mr. Petty about his thoughts on the Chamber's proposal. Mr. Petty said that the project would be good for the City and would provide a wealth of information.

C. Consideration of adoption of Countywide Hazard Mitigation Plan

Planner Ben McCrary reported that in conjunction with Catawba County and other cities and towns in Catawba County, the City of Newton completed updating the Countywide Multi-Jurisdictional Hazard Mitigation Plan. He said that the purpose of the Countywide Multi-Jurisdictional Hazard Mitigation Plan, which is different from the City of Newton Multi-Hazard Plan, is to assess the vulnerability and risks posed to the area by natural hazards such as floods, tornadoes, high winds and winter storms, and includes recommended actions to help eliminate or reduce those risks, while the City of Newton Multi-Hazard Plan identifies essential emergency management response procedures during disaster events. Mr. McCrary said that the update of the Countywide Multi-Jurisdictional

Hazard Mitigation Plan is part of a five-year cycle that is required by the Federal Emergency Management Agency (FEMA).

Mr. McCrary said that the 2009 updated Countywide Multi-Jurisdictional Hazard Mitigation Plan has specific action items for the City of Newton that describes proactive steps the City is committed to take towards reducing risks posed by identified natural hazards, and the 2004 action items provide a status on efforts made by the City over the past five years. The Action Items are:

2009

1. Maintain continued compliance with the National Flood Insurance Program
2. Routinely inspect and clear debris from drainage systems
3. Routinely prune trees and clear tree limbs hanging in right-of-ways
4. Implement a comprehensive infrastructure mapping strategy to document locations and attributes of infrastructure systems
5. Evaluate existing utility network and create list of infrastructure protection projects based on highest potential hazard impacts
6. Increase dimensions of drainage culverts in troublesome areas
7. Train fire personnel in wildfire, brush, and forest fire firefighting techniques/practices
8. Work with local media to establish a public wildfire awareness program
9. Establish a seasonal hazard awareness campaign

2004

1. Routinely inspect and clear debris from drainage systems
2. Design a “natural runoff” or “zero discharge” policy for stormwater in subdivision design
3. Routinely prune trees and clear tree limbs hanging in right-of-ways
4. Establish a “hazard awareness week” in coordination with the media to promote hazard awareness (seasonal).
5. Increase dimensions of drainage culverts in troublesome areas
6. Prohibit or limit floodplain development through regulatory and/or incentive-based measures
7. Work with the local media to highlight wildfire mitigation practices for homeowners during fire season
8. Ensure local, urban firefighters become properly trained and exercised in brush/forest fire firefighting techniques
9. Develop a canned public awareness campaign for use in times of high fire danger
10. Revise and update regulatory floodplain maps

Mr. McCrary said that the Federal Emergency Management Agency has reviewed the update and found all required revisions satisfactory for Council approval.

City Manager Todd Clark said that all governmental agencies in the county have to adopt the Countywide Multi-Jurisdictional Hazard Mitigation Plan. Mayor Mullinax asked if there were any budget constraints, and Mr. McCrary said there was none.

Mr. McCrary said that the Staff recommends that the Council adopt and approve a Resolution for the Catawba County Multi-Jurisdictional Hazard Mitigation Plan, which includes Newton-specific updates.

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve a Resolution for the Catawba County Multi-Jurisdictional Hazard Mitigation Plan, which includes Newton-specific updates.

RESOLUTION #16-2010

RESOLUTION OF ADOPTION

CATAWBA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within Catawba County are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to flooding, winter storms, hurricanes and tropical storms, severe thunderstorms and tornadoes, earthquake and wildfire; and

WHEREAS, the County desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) "For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act"; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, Catawba County has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated said Plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Catawba County Board of Commissioners to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

WHEREAS, the City of Newton actively participated in the planning and update process of the Catawba County Multi-Jurisdictional Hazard Mitigation Plan and has fulfilled all the requirements pertaining to jurisdictions participating in a multi-jurisdictional plan as established by FEMA;

NOW, therefore, be it resolved that the Council of the City of Newton hereby:

1. Adopts the Catawba County Multi-Jurisdictional Hazard Mitigation Plan; and
2. Separately adopts the sections of the plan that are specific to the City of Newton;
3. Vests the City Manager with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Develop an addendum or annex to the Catawba County Multi-Jurisdictional Hazard Mitigation Plan as warranted by the unique situation of the Town;
 - (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the City Manager to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Council of the City of Newton for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan and the addendum and/or annex City of Newton to said Plan.

Adopted on this day May 4, 2010.

By: Mayor Robert A. Mullinax

Certified by: Beunice R. Roberts, CMC/City Clerk

D. Report on the “Big Sweep” Project Citywide Cleanup

Assistant Planning Director Alex Fulbright reported that the “Big Sweep” Project, also known as the Citywide Cleanup, was a great success. He said that the participation was good and that the project helps fulfill a requirement of the City’s Stormwater Permit, for public education, and to involve the community.

Mr. Fulbright said that six groups from the community participated in cleaning up specific locations within the City and that 500 pounds of trash was collected. Volunteers from the Festival and Events Committee and from the community helped with the preparations and plans for the annual event. He said that the event was a step in making headway to beautify and clean up the community and that, it was a very good event.

ITEM 8. CITY MANAGER’S REPORT:

City Manager Todd Clark reported on the following:

- Introduced Jason Clay to the Council as the new Information Systems Director for the City of Newton. He said that Jason comes with 20 years of experience of which ten (10) years are governmental. City Manager Clark informed the Council of the three interviews used to select the right candidate, and said that Jason was the unanimous choice from all three interviews. Mayor Mullinax welcomed Jason to the City of Newton family.
- Announced the MayFest – May 15, 2010 – 10:00 a.m. – 7:00 p.m. He mentioned the street closings and the addition of the Carriage Rides.
- Encouraged the Council to review the GovDeals listing.
- Reported that the Census response percentage for the City of Newton is 74%, and the overall Catawba County response percentage is 77%. It was mentioned for the record, that anyone with a post office box address would not receive a Census Form and would have to obtain one at appropriate locations. Census employees, with Census identification, are currently on duty and will come to known residences that did not respond.
- Informed the Council that Town Hall Day for the North Carolina League of Municipalities will be held on June 16, 2010 and more information will be made available closer to the date. ElectriCities will have a Town Hall Day also, and the date will be announced.
- Mayor Mullinax asked the Council for their consideration of the Budget Work Sessions Schedule. It was the consensus of the Council to have the Budget Work Sessions as recommended – with each meeting beginning at 5:15 p.m. on May 20, May 25, May 27, June 1, June 3, June 7**, and June 8** - (** if needed).
- Informed the Council that Gary Herman, Public Information Officer, received two awards for Excellence in Communications from the North Carolina City and County Communicators. Mr. Herman won a first-place award in the “Printed Publications – External Newsletter” category for the Newton Newsletter, which is the citywide newsletter; and he won a first-place award in the “Printed Publications – Employee Newsletters” category for the Newtonian Employee Newsletter which is distributed to city employees, city retirees, and City Council. Mr. Herman received a “perfect 10” score in the rating of each newsletter. Mr. Herman said that he counts the awards as a win for the City of Newton and that he is very proud of the great strides that the City is making. Mayor Mullinax and the Council congratulated Gary on his accomplishments and said that they are very proud of him. Mayor Mullinax added that many citizens have commented on the quality of the newsletter, the printing of it, and that it is readable. He thanked Gary for a job well done and encouraged him to keep up the good work.

ITEM 9. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

Council Member Tom Rowe asked if the Staff has heard from the NCDOT District Engineer about the mowing of the right-of-ways.

City Manager Clark said that the Staff has not received a response from NCDOT.

Mayor Mullinax said he has had numerous calls from citizens complaining about the right-of-ways. He said that the City could not mow all of NCDOT's right-of-ways. He said that the Staff would continue to ask NCDOT about mowing the right-of-ways in the City of Newton.

Council Member Mary Bess Lawing asked about NCDOT's mowing schedule, which Mayor Mullinax said that NCDOT mows three to four times per year on a schedule such as, first cut, second cut, and a final cut. He said that the State has the same problem as everyone else, "money."

Council Member Tom Rowe said that there are two ways to look at the mowing problem, (1) the right-of-ways are state-maintained, and (2) the right-of-ways are in the City of Newton, but the citizens do not look at it as not being the City's responsibility. Council Member Rowe said that he hoped the Staff would continue to work on the mowing issue and to see if a contract could be worked out with NCDOT as NCDOT has cooperated with other cities in the county.

Mayor Mullinax mentioned Startown Road and the new Hwy. 16 Loop as being NCDOT badly overgrown areas, but the Staff cannot mow all of the State's right-of-way properties. Council Member Tom Rowe acknowledged that he understood the mowing situation, but wished that the Staff could deal with the site distance problem areas. Council Member Wayne Dellinger said that the mowing situation is happening in every city, not just in the City of Newton.

ITEM 10. CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY ON ECONOMIC DEVELOPMENT (G.S. 143-318.11 (a) (4))

Mayor Mullinax stated that the Council needed to have a Closed Session to consult with the City Attorney on Economic Development.

A motion was made by Council Member Tom Rowe, seconded by Council Member Wayne Dellinger, and unanimously approved that the Council go into Closed Session.

After the Closed Session, Mayor Mullinax called the Council meeting back into regular session.

No action was taken on the matter discussed.

ITEM 11. ADJOURNMENT:

There being no further business to discuss, a motion was made by Council Member Mary Bess Lawing, seconded by Council Member Robert C. Abernethy, Jr., and unanimously approved that the May 4, 2010 meeting be adjourned.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. (Bootsie) Roberts, CMC/City Clerk